

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Ryan Latourelle, EMT
Certificate No. 969807

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between Ryan Latourelle, Emergency Medical Technician ("EMT") ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Emergency Medical Services Regulatory Board ("Board") as follows:

Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. The Review Panel was represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 757-1366.

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes sections 144E.001 to 144E.52 to certify emergency medical services providers and to take disciplinary action as appropriate.

2. Respondent holds an EMT certificate from the Board to practice emergency medical services and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order in the State of Minnesota.

II.

FACTS

3. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Respondent became certified as an EMT in Minnesota on January 25, 2012.

b. Respondent was employed by a licensed Minnesota ambulance service. While working on March 8, 2014, Respondent (1) deliberately delayed reporting to the post assignments; (2) left the ambulance unlocked and unattended for an extended period of time; and (3) witnessed an unresponsive male lying in a building entryway but did not provide a patient assessment or care on the same date.

III.

STATUTES

4. The Review Panel views Respondent's conduct as inappropriate in such a way as to require Board action under Minnesota Statutes section 144E.28, subdivision 5(a)(5) (engaged in unethical conduct, including but not limited to conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, and safety of the public) and (8) (engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without injury having to be established), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

IV.

DISCIPLINARY ACTION

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without further notice or hearing, the parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Stayed Suspension

6. The Board hereby **SUSPENDS** Respondent's certification to engage in the practice of emergency medical services. The suspension is **STAYED** so long as Respondent complies with the following requirements:

a. ***Continuing Education.*** Within 60 days of the date of this Stipulation and Consent Order, Respondent shall submit to Board staff evidence of successful completion of at least four (4) hours of continuing education on the topic of ethics. Respondent shall submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive preapproval from Board staff of classes that Respondent takes in fulfillment of this condition.

b. ***Typewritten Report.*** Within 30 days of completion of the continuing education, Respondent shall submit to Board staff a report summarizing what he learned in the course and how it relates to his past conduct. Respondent's report shall be typewritten, double-spaced, and at least two pages in length.

7. Respondent shall notify each present and future supervisor of this Stipulation and Consent Order within ten days of the date of the order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Consent Order.

B. Removal of (Stayed) Suspension

8. Respondent may petition for removal of the stayed suspension two years after the effective date of this stipulation. The stayed suspension of Respondent's certification may be administratively removed upon completion of the ethics course and upon written notification to Respondent by the Board of the removal of the stayed suspension.

9. Respondent shall provide any additional information relevant to his petition reasonably requested by the Review Panel.

V.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. It is Respondent's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

A. Noncompliance With Requirements for Stayed Suspension

11. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 6 above or has failed to comply with the Participation Agreement, or is subject to a positive chemical screen, the Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 12.a. below, with the following additions and exceptions:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Respondent agrees that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final

determination pursuant to the procedures outlined in paragraph 13 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's certification. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a hearing before removal of the stayed suspension.

b. The Review Panel shall schedule the hearing pursuant to paragraph 13.a. below to be held within 60 days of the notice.

B. Noncompliance With Stipulation and Consent Order

12. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's certification is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Respondent's certification.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certification pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certification pursuant to Minnesota Statutes section 144E.28, subdivision 6.

VI.

ADDITIONAL TERMS

13. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Pamela Biladeau, Executive Director, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Ave. S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

14. This Stipulation and Consent Order, related investigative reports, summaries thereof, and other documents shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

15. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

16. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

17. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this

Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

18. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and the case comes before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

19. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the Stipulation and Consent Order shall be the final Order herein.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VII.


DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data

regarding this action will be provided to data banks as required by federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Stipulation and Consent Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

22. Respondent hereby acknowledges that he has read and understands this Stipulation and Consent Order and has voluntarily entered into it. This Stipulation and Consent Order contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation and Consent Order.

COMPLAINT REVIEW PANEL



RYAN LATOURELLE, EMT
Respondent

Dated: 3/30/15, 2015



MATT SIMPSON
Board Member

Dated: 3.30., 2015

ORDER

Upon consideration of this Stipulation and Consent Order, the Board **SUSPENDS** Respondent's certification. The Board **STAYS** the suspension upon Respondent's compliance with the requirements outlined in the Stipulation and adopts all other terms of the Stipulation on this 21 day of May, 2015.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: Robert M. Norlen
ROBERT M. NORLEN
Interim Executive Director